THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.407 of 2007

Dated:5.1.2007

Between
Lekhala Latha Devi

.....Petitioner

and

1. The Joint Collector, Nellore
Nellore District and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.407 of 2007

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 1st respondent-Joint Collector, Nellore, in entertaining the appeal filed by the 3rd respondent, as arbitrary and illegal.

The only grievance of the petitioner is that in view of certain disciplinary proceedings pending against him, a temporary dealer was appointed against the fair price shop of Periyavaram Village, Venkatagiri Mandal, Nellore District. Thereafter, after conducing an enquiry, the Sub Collector, Gudur exonerated the petitioner and restored his authorization with effect from 7.10.2006 and he has been running the fair price shop. While that being so, the temporary dealer, who is the 3rd respondent herein, filed an appeal before the 1st respondent-

Joint Collector, Nellore, against the restoration of the petitioner's authorization.

It appears that the 1st respondent-Joint Collector stayed the order of the Sub Collector in restoring the authorization of the petitioner. The petitioner filed counter and vacate stay petition and the same are not taken up till date.

The contention of the petitioner is that the said appeal filed by the temporary dealer, who is the 3rd respondent herein, is not maintainable since the temporary dealer is appointed only at the time gap and he is only in-charge during pendency of the disciplinary proceedings.

Be that as it may, in view of the fact that after conclusion of the disciplinary proceedings against the petitioner, the authorization of the petitioner was restored, the 1st respondent Joint Collector is directed to dispose of the vacate stay petition purported to have been filed by the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, writ petition is

disposed of. No costs.

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05-01-2006

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